

1. Convene the meeting.

Chairman Campbell convened the Board at 7:03PM on the above date in the Nowak Room. Also present: Clerk Paul Binette, Robert Eastman, Joseph Pace and Town Manager George Olson. Absent: Lionel Ingram.

2. Minutes of meeting of May 10, 2004.

***Mr. Pace moved to waive the reading of the minutes and to accept them as submitted; second by Mr. Eastman. VOTE: Unanimous.***

3. Bid Award – Water Line Replacement – Court Street.

Mr. Olson recommended the low bidder, Ramey Contractors-Engineers, Methuen, MA at \$122,025.00. ***Mr. Binette moved to accept the recommendation and to award the bid to Ramey as described; second by Mr. Pace. VOTE: Unanimous.***

Mr. Olson explained that \$130,000 to cover the project was raised through the 2003 Water/Sewer operating budget but, as the project was not done, the money was returned to the water surplus. ***Mr. Pace moved to release \$130,000 from the Water Reserves for the project; second by Mr. Binette. VOTE: Unanimous.***

4. Board action on recommendation from Conservation Commission re purchase of land and conservation easements using Open Space Bond Funds.

Donald Clement, Chairman of the Conservation Commission, reviewed that the '03 Town Meeting approved a \$3M bond for purchase of properties and authorized forming an Open Space Committee to work on identifying lands in Town to protect natural resources. They are presenting option agreements on four parcels and held a required public hearing on May 11. The Conservation Commission subsequently met and unanimously voted to support the purchase and to pass along to the Board of Selectmen for final approval.

Mr. Eastman stated he feels this subject should come under RSA 41:14 which he reviewed:

*"...the selectmen shall have the authority to acquire or sell land, buildings or both; provided...they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where.. they exist. After the selectmen receive the recommendation of the planning board and conservation commission, where they...exist, they shall hold 2 public hearings at least 10 days but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to vote, per RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting..."*

Mr. Olson noted he researched that point and finds the Conservation Commission legislation concerning their securing property calls for them to hold a hearing and present the matter to the Board. Mr. Campbell stated that when someone comes to the Board, to give land, the procedures of 41:14 are followed and the process involves Planning and Conservation. In this case, the Open Space Committee seeks out the property and presents to the Board. Mr. Eastman stated Mr. Olson should seek legal advice for handling this properly.

Peter Dow, a member of the Open Space Committee (OSC), stated the warrant article (#12) for 2003 was discussed at the Deliberative Session and, though the attempt was made to change the RSA reference of 36-A::4 to 41:14-a, it was defeated. The Conservation Commission has held it's required public hearing and all postings have been completed.

While this stipulation will be clarified before the next meeting, the presentation continued:

Thomas Connor land (Tax Map 20, Lot 5), west of Phase II, Captain Meadows on Newfields Road, with 19 +/- acres. This will be surrounded by much command land including a new area of Forest Ridge. The outright purchase would be \$47,500, based on an appraisal report at \$2,500 per acre.

Raymond & Carol Baglin (Tax Map 18, Lot 4.2), land west side of Oaklands Road and northerly side of Beech Hill Road, approximately 23.78 acres of undeveloped forest land. Asking price is \$198,000 and is being negotiated to \$175,000, with the owners continuing to post the property (and reserve that right). If they later sell the property, the new owner would be bound by the easements.

Warren & Susan Hanson (Tax Map 113, Lot2), is approximately 31.3 acres of mostly open farmland located on Linden Street. The rear of the parcel abuts and crosses the Exeter River. Negotiated purchase price is \$400,000, high value land with unique features warranting a purchase price above the conservation value. There is a lot of riverfront as well as road frontage.

Laura Lee Callahan land, (Tax Map 35, Lot 13), features 32.6 acres located at 37 Newfields Road with an easement value of \$630,000. Conditions would include: the seller retains the right to prohibit any and all public access over, through, across or upon the easement area. If and when Seller contemplates transferring or conveying the subject premises in its entirety, other than to a child of either of the Sellers, the Sellers shall offer the premises to the Town for purchase. If the Town desires purchase, price and terms shall be negotiated between parties.

The four parcels total 107 acres at \$1,252,500 plus expenses for legal and title work, surveys and research, which is estimated at \$25-30,000. It was suggested that because the OSC has no operating funds and have been borrowing funds from the Conservation Commission for shoestring expenses, an additional amount could be added to the requested total to assist with expenses. The options on the properties are good till the end of August/early September.

Chairman Campbell took each property separately to allow for individual discussion.

Conner: Mr. Eastman asked if the Conner land is unbuildable, why should we purchase? Mr. Dow explained it is unbuildable if not combined with other parcels, and Forest Ridge approached the owners in order to combine parcels – the owners prefer to leave the land as conservation. Mr. Eastman again questioned the process of not following 41:14. Mr. Dow reiterated discussions on the warrant article stressed sticking with 36-A due to any option with a property owner in place and not wishing to wait till Town Meeting.

Mr. Pace agrees with building operating costs in the total requested but requested a more accurate figure rather than \$25-30,000. He asked a separate estimate of costs be included in the total for each parcel.

Baglin: Mr. Eastman expressed concern over the price and taxpayers not having the right to use it. Mr. Dow noted there are over 100 acres in Town for public use. This property still has the owner living on the land and has requested some control. He also explained Baglin and Callahan have the right to post and, if they wish to sell, the Town has 30 days to negotiate a purchase price prior to any other sale – and would then make the property available to all.

Hanson: Mr. Eastman asked if public access was subject to further negotiations. Mr. Dow stated they are close to ironing out the details. The Hanson's have animals and fences, and the flood plain on a portion of the property allows minimal use. There is not a concern about public use by the River but they do wish to limit access by the road. Their special exception would be to control the land when the animals are in the area. This should be worked about within the next two weeks.

Callahan: One-half of the property is open field; the back portion is an active railroad line. Mr. Dow noted the conveyance of this property will prevent two cul-de-sacs off Rocky Hill Brook and continues to protect the watershed.

Mr. Clement noted he should be able to receive a good faith estimate of costs on each parcel by the next meeting. It was noted there will only be 4 board members at each of the next few meetings.

5. Board response to letter from Exeter Sportsmen's Club.

Joseph Kenick, representative of the Club, reviewed the letter received from our engineers (CDM) attached and responded to various issues. He feels many of their issues discussed are just covering their bases.

The berm, which CDM explains they must remove for construction of the plant, should not be of concern. The fence line, on the plan, goes just over the top of the hill and the section of berm involved in the contour lines is the back of the berm – they use the front.

Mr. Kenick reviewed their proposal for re-orientation of the rifle range (100 yards) – to look past the ponds – with the existing berm to be used for short range. The NRA Range Technician will provide advice this month. The Club would need to raise \$100,000 to institute all the changes needed. In order to do this, a long term lease is required – 49 years as proposed.

Mr. Eastman stated he was not ready to vote this evening. He knows Mr. Ingram is also interested in keeping the Club at its present location and he wants to wait for a full board. He would like to read appropriate information about what can be done and what could be allowed at the site, rather than saying no just due to the safety issue.

Mr. Campbell stated there probably will not be a full board till July. He feels the Board should review the Risk Assessment report from DES prior to any decision and, though he encourages the Club on their endeavors, he cannot encourage them to incur a large expense too early in the process.

Mr. Pace believes the Board should postpone decisions till staff could come to a meeting to answer questions. He suggests having them at the next meeting, along with a representative of CDM. He recommends tabling the matter till the proper personnel could be assembled.

Mr. Kenick reminded the Board they are 'grand-fathered' at the site, so many processes are not necessary.

6. Request to address the Board – John & Carole Eberst – Fence in Town Right-of-way.

John Eberst, 25 Forest Street, requested permission for a post and rail fence to be placed inside their property line to clarify the two properties (his and his neighbor). Dig Safe has been called and the site has been approved as no utilities are present. He presented pictures of the location.

Much discussion followed concerning exact location; it being an extension of the stockade fence already in place; it being placed where the current arborvitaes are; why he proceeded after being told of the ordinance and no placement of structures in the Town's rights-of-way.

Mr. Eberst stated he visited the Zoning office on April 21<sup>st</sup> and was told as long as the fence was not stockade and removable, there should be no problem but he should speak with the Building Inspector (who was not present at the time) or the Town Manager. He explained he wished to clarify the line and the Town Manager told him to be concerned over snow. He noted this area is not plowed. He stated the fence was installed before receiving the Town Manager's letter that he would have to go before the Board of Selectmen for approval of a structure in the R-O-W.

Mr. Olson reviewed his conversation with Mr. Eberst that when asked about the installation he stated the Town's regulations prohibit a fence in the ROW. When asked where the ROW is, Mr. Olson stated usually where the telephone poles are, on average. Five years ago, the issue was discussed and the bushes were allowed to be planted in the ROW for indication of demarcation of property lines.

Mr. Eberst stated it was recommended to him by the police and the prosecutor to again establish a line.

Cliff Wirth, 29 Forest Street, presented a copy of the registered plan as well as photos of the area. He noted the fence, already installed, is on Town property between the Wirth's and Town property, not the Eberst's. This lowers the property value of the area homes. The fence is now 5 feet from his front steps. If he sells his home, it will be for \$50,000 less due to the fence in the front yard. The fence does not fit the character of Exeter and, he believes, it is cemented in.

Mr. Pace noted he is less concerned of the appearance of the fence, but more over the structure in a ROW and he does not favor granting any permission retro-actively.

Mr. Eberst asked if he can't have a fence could he have other plants there to establish a line. The current hedges become weighted with snow and he cannot touch them or the neighbor calls the police.

Mr. Eastman agrees with Mr. Pace that the fence should come down and the bushes left. They are established and may be used as a property line.

***Mr. Eastman moved to have the fence removed at the owner's expense; second by Mr. Pace.***

***VOTE: Unanimous.*** Mr. Eberst asked who takes care of the trees, as they are on Town property.  
Answer: The Town.

7. Charge & Appointments to the Town Manager Search Committee.

Chairman Campbell announced the Committee as follows: Selectman Joseph Pace will serve as Chairman; Chief Richard Kane will represent the department heads; Town residents represented by Christopher Moutis, Gwen English and Donald Briselden. At a later date, a town employee and an outside Town Manager will be announced, for a total of seven. ***Mr. Eastman moved to approve the list as nominated for the Town Manager Search Committee; second by Mr. Binette. VOTE: Unanimous.***

Mr. Pace read from the attached proposed charge.

8. Appointment to the Recreation Advisory Committee.

Mr. Pace recused himself from the decision due to his relationship with the appointee. ***Mr. Binette moved to appoint Sarah Foss to the Recreation Advisory Committee for 3 years, till April 30, 2007; second by Mr. Eastman. VOTE: 3-0.***

9. Permits:

- Phillips Exeter had requested parking on the north side of Front Street on June 3<sup>rd</sup> and the Board asked for clarification and opinion from the Police Chief due to parking already approved on the other side of the street. Mr. Olson reported the Chief believes it will work fine – they have had no problem in the past.
- Rockingham County Community Action Head Start requested the Wheelwright Room for a Policy meeting from 8:45-11:45AM on the following dates: June 16, August 18, September 15, October 20, November 17 and December 15<sup>th</sup>.
- New Outlook Teen Center requested use of the Town Hall on June 18<sup>th</sup> for their Exeter Arts Coalition from 5-9:30PM.
- Chamber of Commerce requested use of the Town Hall and Bandstand on October 15<sup>th</sup> and 16<sup>th</sup> as part of the Fall Festival Home Base Expo.
- Maureen Barrows requested permission for a banner across Water Street to advertise the Seacoast Criterion (Bike Race) on Tuesday 29<sup>th</sup>, to benefit the David Barrows/Brian Bogart Scholarship fund. The banner will be up from June 18<sup>th</sup> through June 30<sup>th</sup>.

***Mr. Binette moved to approve all permits as read; second by Mr. Pace. VOTE: Unanimous.***

10. Town Manager's Items:

- The Town Clerk's announces dog registrations were due by April 30<sup>th</sup>. There are currently 400 dogs still unlicensed in Exeter. The warrant will go to the Animal Control officer in June. Once this happens, there is a \$25.00 forfeiture, along with other expenses to license.
- The Town Clerk's office will be closed Wednesday, May 26<sup>th</sup> for personnel to attend a training session. They will re-open Thursday.
- The Supervisors of the Checklist will be in session on Tuesday, June 1<sup>st</sup> from 7-8PM. This is the last date for changing parties for the State Primary.
- Tax bills should be out this week and are due July 1<sup>st</sup>.
- Memorial Day Parade is Monday, May 31<sup>st</sup> beginning at 10AM. Parade forms at 9:30AM at the Parkway. The route is from Swasey Parkway to Water Street with a ceremony at the Town

Office's memorial, to Gale Park on Front Street to the Exeter Cemetery and the Veteran's Memorial.

- The Town's offices will be closed on Monday, May 31<sup>st</sup>. Rubbish and recycling will be one day late all week.
- The Board's next meeting will be June 7<sup>th</sup>.

11. Selectmen's Committee reports:

Mr. Eastman: Planning Board met Thursday and gave conditional approval for 22 condos at the Court Street project.

Mr. Binette – none.

Mr. Pace: HDC met this week and approved shutters for a property on Front Street. The Town Manager Search Committee will be meeting soon – announcements will be sent to member.

Mr. Campbell: Conservation Committee met and heard the presentation of this evening. They subsequently voted to recommend approval by the Board of the Selectmen. He also attended a Water & Sewer Advisory Committee meeting.

12. Public Comments: None.

***Mr. Pace moved to adjourn; second by Mr. Eastman. VOTE: Unanimous. Time: 8:55PM.***

Respectfully submitted,

Barbara A. Blenk  
AA/HR Dir.

attach.